**South Carolina General Assembly**

118th Session, 2009-2010

**A222, R238, H3536**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J.E. Smith and McLeod

Document Path: l:\council\bills\ms\7200ahb09.docx

Companion/Similar bill(s): 1104

Introduced in the House on February 12, 2009

Introduced in the Senate on March 16, 2010

Last Amended on May 12, 2010

Passed by the General Assembly on May 20, 2010

Governor's Action: May 28, 2010, Vetoed

Legislative veto action(s): Veto overridden

Summary: Coroners

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/12/2009 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C02-12-09.docx)‑17

 2/12/2009 House Referred to Committee on **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C02-12-09.docx)‑18

 3/3/2010 House Recalled from Committee on **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C03-03-10.docx)‑20

 3/4/2010 House Debate adjourned until Tuesday, March 9, 2010 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C03-04-10.docx)‑18

 3/4/2010 Scrivener's error corrected

 3/9/2010 House Member(s) request name added as sponsor: McLeod

 3/9/2010 House Debate adjourned until Wednesday, March 10, 2010 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C03-09-10.docx)‑11

 3/10/2010 House Amended [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C03-10-10.docx)‑13

 3/10/2010 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C03-10-10.docx)‑16

 3/11/2010 House Read third time and sent to Senate [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C03-11-10.docx)‑9

 3/16/2010 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-16-10.docx)‑24

 3/16/2010 Senate Referred to Committee on **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-16-10.docx)‑24

 3/23/2010 Senate Referred to Subcommittee: Knotts (ch), Massey, Coleman

 3/31/2010 Senate Committee report: Favorable with amendment **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-31-10.docx)‑12

 4/1/2010 Scrivener's error corrected

 5/4/2010 Senate Committee Amendment Amended and Adopted [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C05-04-10.docx)‑28

 5/5/2010 Scrivener's error corrected

 5/12/2010 Senate Amended [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C05-12-10.docx)‑28

 5/12/2010 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C05-12-10.docx)‑28

 5/13/2010 Senate Read third time and returned to House with amendments [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C05-13-10.docx)‑20

 5/13/2010 Scrivener's error corrected

 5/20/2010 House Concurred in Senate amendment and enrolled [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-20-10.docx)‑57

 5/20/2010 House Roll call Yeas‑82 Nays‑0 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C05-20-10.docx)‑57

 5/25/2010 Ratified R 238

 5/28/2010 Vetoed by Governor

 6/1/2010 House Veto overridden by originating body Yeas‑78 Nays‑20 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C06-01-10.docx)‑19

 6/2/2010 Senate Veto overridden Yeas‑31 Nays‑8 [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C06-02-10.docx)‑192

 6/16/2010 Effective date 03/01/11

 6/23/2010 Act No. 222

**VERSIONS OF THIS BILL**

[2/12/2009](file:///p%3A%5Cpprever%5C2009-10%5C3536_20090212.docx)

[3/3/2010](file:///p%3A%5Cpprever%5C2009-10%5C3536_20100303.docx)

[3/4/2010](file:///p%3A%5Cpprever%5C2009-10%5C3536_20100304.docx)

[3/10/2010](file:///p%3A%5Cpprever%5C2009-10%5C3536_20100310.docx)

[3/31/2010](file:///p%3A%5Cpprever%5C2009-10%5C3536_20100331.docx)

[4/1/2010](file:///p%3A%5Cpprever%5C2009-10%5C3536_20100401.docx)

[5/4/2010](file:///p%3A%5Cpprever%5C2009-10%5C3536_20100504.docx)

[5/5/2010](file:///p%3A%5Cpprever%5C2009-10%5C3536_20100505.docx)

[5/12/2010](file:///p%3A%5Cpprever%5C2009-10%5C3536_20100512.docx)

[5/13/2010](file:///p%3A%5Cpprever%5C2009-10%5C3536_20100513.docx)

(A222, R238, H3536)

**AN ACT TO AMEND SECTION 17‑5‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS OF CORONERS, SO AS TO INCREASE THOSE QUALIFICATIONS BY REQUIRING THOSE PERSONS TO HAVE OBTAINED CERTAIN LEVELS OF EDUCATION COMBINED WITH VARYING DEGREES OF EXPERIENCE IN THE FIELD, TO REQUIRE THAT A CANDIDATE FOR CORONER FILE A SWORN AFFIDAVIT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PERSON’S POLITICAL PARTY UNDER SPECIFIED TIME FRAMES, TO PROVIDE FOR THE FILING OF THE AFFIDAVIT BY PETITION CANDIDATES, AND TO DELINEATE THE INFORMATION THAT THE AFFIDAVIT MUST CONTAIN; AND BY ADDING SECTION 17‑15‑115 SO AS TO PROVIDE CONDITIONS UPON WHICH A DEPUTY CORONER MAY BE TRAINED TO ENFORCE THE LAWS AND RETAIN HIS LAW ENFORCEMENT STATUS.**

Be it enacted by the General Assembly of the State of South Carolina:

**Coroners, qualifications**

SECTION 1. Section 17‑5‑130 of the 1976 Code is amended to read:

 “Section 17‑5‑130. (A)(1) A coroner in this State shall have all of the following qualifications, the person shall:

 (a) be a citizen of the United States;

 (b) be a resident of the county in which the person seeks the office of coroner for at least one year before qualifying for the election to the office;

 (c) be a registered voter;

 (d) have attained the age of twenty‑one years before the date of qualifying for election to the office;

 (e) have obtained a high school diploma or its recognized equivalent by the State Department of Education; and

 (f) have not been convicted of a felony offense or an offense involving moral turpitude contrary to the laws of this State, another state, or the United States.

 (2) In addition to the requirements of subsection (A)(1), a coroner in this State shall have at least one of the following qualifications, the person shall:

 (a) have at least three years of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency;

 (b) have a two‑year associate degree and two years of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency;

 (c) have a four‑year baccalaureate degree and one year of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency;

 (d) be a law enforcement officer, as defined by Section 23‑23‑10(E)(1), who is certified by the South Carolina Law Enforcement Training Council with a minimum of two years of experience;

 (e) be a licensed private investigator with a minimum of two years of experience; or

 (f) have completed a recognized forensic science degree or certification program or be enrolled in a recognized forensic science degree or certification program to be completed within one year of being elected to the office of coroner.

 (B)(1) A person who offers his candidacy for the office of coroner, no later than the close of filing, shall file a sworn affidavit with the county executive committee of the person’s political party.

 (2) The county executive committee of a political party with whom a person has filed his affidavit must file a copy of the affidavit with the appropriate county election commission by noon on the tenth day following the deadline for filing affidavits by candidates. If the tenth day falls on a Saturday, Sunday, or holiday, the affidavit must be filed by noon the following day.

 (3) A person who seeks nomination by petition for the office of coroner, no later than the close of filing, shall file a sworn affidavit with the county election commission in the county of his residence.

 (4) The affidavit required by the provisions of this subsection must contain the following information:

 (a) the person’s date and place of birth;

 (b) the person’s citizenship;

 (c) the county the person is a resident of, and how long the person has been a resident of that county;

 (d) whether the person is a registered voter;

 (e) the date the person obtained a high school diploma or its recognized equivalent by the State Department of Education;

 (f) whether the person has been convicted of a felony offense or an offense involving moral turpitude contrary to the laws of this State, another state, or the United States;

 (g) the date the person obtained an associate or baccalaureate degree, if applicable;

 (h) the date the person completed a recognized forensic science degree or certification program, or information regarding the person’s enrollment in a recognized forensic science degree or certification program, if applicable; and

 (i) the number of years of experience the person has as a death investigator, certified law enforcement officer, or licensed private investigator, if applicable.

 (C) Each person serving as coroner in the person’s first term is required to complete a basic training session to be determined by the Department of Public Safety. This basic training session must be completed no later than the end of the calendar year following the person’s election as coroner. A person appointed to fill the unexpired term in the office of coroner shall complete a basic training session to be determined by the department within one calendar year of the date of appointment. This section must not be construed to require an individual to repeat the basic training session if the person has successfully completed the session prior to the person’s election or appointment as coroner. A coroner who is unable to attend this training session when offered because of an emergency or extenuating circumstances, within one year from the date the disability or cause terminates, shall complete the standard basic training session required of coroners. A coroner who does not fulfill the obligations of this subsection is subject to suspension by the Governor until the coroner completes the training session.

 (D) A person holding the office of coroner or deputy coroner who was elected, appointed, or employed prior to January 1, 1994, and who has served continuously since that time shall attend a minimum of sixteen hours training annually as may be selected by the South Carolina Law Enforcement Training Council on or before December 31, 1995. Each year, all coroners and deputy coroners shall complete a minimum of sixteen hours training annually as selected by the council. Certification or records of attendance or training must be maintained as directed by the council.

 (E)(1) The basis for the minimum annual requirement of in‑service training is the calendar year. A coroner who satisfactorily completes the basic training session in accordance with the provisions of subsection (C) is excused from the minimum annual training requirements of subsection (D) for the calendar year in which the basic training session is completed.

 (2) The Board of Directors of the South Carolina Coroners Association, in its discretion, may grant a waiver of the requirements of the annual in‑service training upon presentation of evidence by a coroner that he was unable to complete the training due to an emergency or extenuating circumstances.

 (3) A coroner who fails to complete the minimum annual in‑service training required by this section may be suspended from office, without pay, by the Governor for ninety days. The Governor may continue to suspend a coroner until the coroner completes the annual minimum in‑service training required in this section. The Governor shall appoint, at the time of the coroner’s suspension, a qualified person to perform as acting coroner during the suspension.

 (F) A coroner in office on the effective date of this section is exempt from the provisions of this section except for the provisions of subsection (D).

 (G) The Director of the Department of Public Safety shall appoint a Coroners Training Advisory Committee to assist in the determination of training requirements for coroners and deputy coroners. The committee must consist of no fewer than five coroners and at least one physician trained in forensic pathology as recommended by the South Carolina Coroners Association. The members of the committee shall serve without compensation.

 (H) Expenses of all training authorized or required by this section must be paid by the county the coroner or deputy coroner serves, and the South Carolina Law Enforcement Training Council is authorized to set and collect fees for this training.”

**Deputy coroners, training and law enforcement status**

SECTION 2. Article 3, Chapter 5, Title 17 of the 1976 Code is amended by adding:

 “Section 17‑5‑115. (A) A person appointed by a coroner to the position of deputy coroner may, at the discretion of the coroner, attend the South Carolina Criminal Justice Academy to be trained and certified as a Class III officer.

 (B) A law enforcement officer, as defined by Section 23‑23‑10(E)(1), who is certified by the South Carolina Law Enforcement Training Council and appointed to serve as a deputy coroner, may, at the discretion of the coroner, retain law enforcement status as a Class III officer.

 (C) The classification is limited to the deputy coroner’s official duties as provided by law and does not authorize the officer to enforce the state’s general criminal laws.”

**Time effective**

SECTION 3. This act takes effect on March 1, 2011.

Ratified the 25th day of May, 2010.

Vetoed by the Governor -- 5/28/2010.

Veto overridden by House -- 6/1/2010.

Veto overridden by Senate -- 6/2/2010. -- S.

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